IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 886 of 2003(M/B)

Madhav Nayan
S/o Late Shri Kamal Nayan,
R/o Village-Jaul, Patti-Baman,
Distt-Tehri Garhwal, through its Attorney
Shri Rahul S/o Late Gautam,
R/o Kanatal, Tehsil-Tehri,
Distt-Tehri Garhwal ..... Petitioner

Versus

State of Uttaranchal and others, ... Respondents

Mr. J.P. Joshi, Advocate for the Petitioner.
Mr. N.B Tiwari, learned Chief Standing Counsel.

Coram: Hon. S.H. Kapadia, C.J.
Hon. Rajesh Tandon, J.
Dated: 22.09.2003:

PC:

In this petition, the District Magistrate has cancelled the lease of the petitioner on two grounds. Firstly, failure to pay taxes from 1998. Secondly, that the land in question is not used for the purpose for which it is allotted.

The learned Advocate for the petitioner admits that the petitioner has failed to pay taxes from 1998. However, the petitioner disputes the allegation that the petitioner has not utilized the land for the purpose for which it has been allotted.

In the circumstances, we are directing the petitioner to pay the arrears of taxes within two weeks from today. On the second question, the matter comes under Arbitration as mentioned in the Terms of Allotment. The arbitration lies before the Commissioner.

In the circumstances, if the petitioner pays arrears of taxes as directed above, he is allowed to raise a dispute before the Commissioner under

Arbitration. In that event, the Commissioner will decide the question whether the petitioner has utilized the lands for the purpose for which they are allotted.

Subject to above, the petition is disposed of.

(Rajesh Tandon, J.) **(S.H.Kpadia, C.J.)**

Gurpreet